CANADIAN HUMAN RIGHTS COMMISSION

Performance Report

For the period ending March 31, 2009

The Honourable Rob Nicholson, P.C., M.P.
Minister of Justice and Attorney General of Canada

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OVERVIEW

Chief Commissioner's Message

The Commission is responsible for the administration of the *Canadian Human Rights Act* and ensures compliance with the *Employment Equity Act*. There are two key elements of the Commission's mandate. The first is an effective recourse system, which includes mediation, screening of formal complaints and representation of the public interest in important cases. The second is the promotion of equal opportunity by fostering public understanding and awareness, so that human rights are integrated into daily practice.

During recent years, the Commission has worked successfully to modernize its dispute resolution process. It can now turn its attention to higher impact initiatives that address human rights protection and promotion more strategically and systemically.

The Commission is doing this by strengthening its knowledge base and integrating outreach into all aspects of its work. Our partnerships with stakeholders help us develop innovative discrimination prevention tools and initiatives. We guide and support employers as they work to foster, sustain and integrate human rights into their workplaces.

During this reporting period, the Commission appeared before the Senate Standing Committee on Human Rights in support of the Committee's study of the effectiveness of the *Employment Equity Act*. We appeared again to make our case for the repeal of section 67 to extend human rights protection to First Nations peoples. In June 2008, we launched a comprehensive review of freedom of expression and freedom from hate in the Internet age leading to a Special Report to Parliament.

The Commission continued to inform public debate and understanding of Canadian Human Rights current human rights issues. We participated in a number of high-impact cases before the Tribunal and Federal Court that will advance human rights jurisprudence on significant issues such as mandatory retirement and the accommodation of persons with disabilities in transportation and employment.

The Commission published research on a number of topical subjects. One research report, undertaken for the first time with a partner organization, explored the relationship between national security and human rights. Another offered an analysis of social condition as a ground of discrimination in jurisdictions across Canada. The Commission completed its policy on mental health in the workplace and made it available to other organizations as a model.

In its second year as Chair of the International Coordinating Committee of National Human Rights Institutions, the Commission led the creation of the legal and governance framework of the organization. We also contributed to strengthening the human rights system in the Americas, through our work within the Organization of American States.

The Commission sets high standards of performance and accountability. We continue to improve our Management Accountability Framework, and successfully completed our first Integrated Business and Human Resources Plan. The Commission has achieved a result of 100 percent for the timeliness and quality of its year-end submission of financial information for the Public Accounts.

We have an exceptional workforce. It is a privilege to lead people so dedicated to the principles of fairness, respect, dignity and understanding. Their professionalism, expertise and commitment to public service are the foundation for all that we accomplish. Together, we are making a positive difference in the lives of Canadians.

Jennifer Lynch, Q.C.
Chief Commissioner

Commission Overview

1.1 Summary Information

Raison d'être

The Canadian Human Rights Commission's founding legislation inspires a vision for Canada in which "all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have," free from discrimination.

The Commission works with employers, service providers, individuals, unions, public and private sector organizations, and provincial and territorial human rights bodies to foster understanding and commitment to achieving a society where human rights are respected in everyday practices.

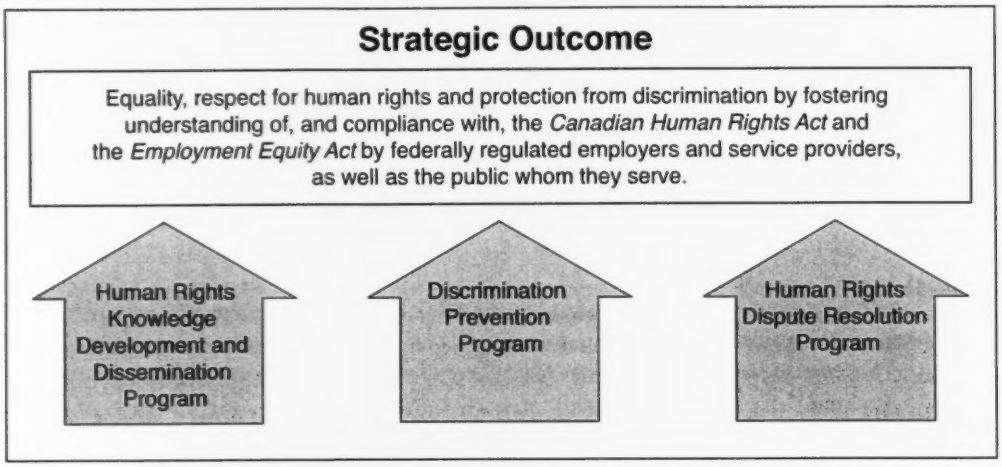
The Commission is working within a new service delivery model that provides discrimination prevention initiatives; modern dispute resolution approaches; and regulatory, policy and knowledge development. Internationally, the Commission's strong leadership role includes chairing the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, within the United Nations.

Responsibilities

The Commission is responsible for two statutes: the *Canadian Human Rights Act* (CHRA) and the *Employment Equity Act* (EEA). Under the CHRA, the Commission promotes equality of opportunity and protects individuals and groups from discrimination in employment and in the provision of services. We do this by receiving and processing complaints, developing and conducting information programs that foster public understanding of the Act and its vision, undertaking research, liaising with similar provincial and territorial bodies, reviewing parliamentary statutes and instruments, and submitting annual and special reports to Parliament. The Commission audits federally regulated employers under the EEA to ensure that they are providing equal opportunities for employment for women, Aboriginal peoples, persons with disabilities, and members of visible minorities.

A key part of the Commission's mandate is to engage in promotion and prevention activities that will foster public understanding of the role and activities of the Commission and of its core principle: equality of opportunity.

Strategic Outcome and Program Activity Architecture


Strategic Outcome
Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the Canadian Human Rights Act and the Employment Equity Act by federally regulated employers and service providers, as well as the public whom they serve.
Human Rights Knowledge Development and Dissemination Program
Discrimination Prevention Program
Human Rights Dispute Resolution Program

1.2 Performance Summary

2008–09 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
$21,193	$22,887	$22,369

2008–09 Human Resources (Full-time Equivalents)

Planned	Actual	Difference
190	183	7

Strategic Outcome: Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the *Canadian Human Rights Act* and the *Employment Equity Act* by federally regulated employers and service providers, as well as the public whom they serve.

Performance Indicator	Target	2008–09 Performance
The percentage of public service employees who indicated they were not a victim of discrimination on the job.	84 percent by 2011	The Commission will continue to work with the public service to achieve the targeted reduction in discriminatory behaviours by providing employers with a way of assessing the state of their human rights culture and tracking their progress.

Program Activity	2007–08 Actual Spending ($ thousands)	2008–09 ($ thousands)				Alignment to Government of Canada Outcomes
		Main Estimates	Planned Spending[1]	Total Authorities[2]	Actual Spending	
Human Rights Knowledge Development and Dissemination Program	6,190	3,631	4,026	4,041	4,375	A diverse society that promotes linguistic duality and social inclusion
Discrimination Prevention Program	5,347	6,234	6,424	6,918	6,516	A diverse society that promotes linguistic duality and social inclusion
Human Rights Dispute Resolution Program	10,456	10,743	10,743	11,928	11,478	A diverse society that promotes linguistic duality and social inclusion
Total	**21,993**	**20,608**	**21,193**	**22,887**	**22,369**	

Contribution of Priorities to Strategic Outcomes

Operational Priorities	Type	Status	Links to Strategic Outcome
Enhancing the Commission's impact on human rights issues domestically and internationally through strengthened outreach activities	Ongoing	**Successfully Met** – Outreach was integrated into all aspects of the Commission's work. Highlights were: • A Stakeholder Engagement Framework was developed to achieve a maximum impact with modest resources. • One of 15 thematic areas in the Framework was the 60th anniversary of the United Nations Universal Declaration of Human Rights (UDHR). Activities were held to celebrate this event and to help Canadians see the link between the UDHR and the Commission's work. The 'employer challenge' was a high-impact activity that exceeded the anticipated response. (*www.chrc-ccdp.ca/whats_new/default.asp?id=528&content_type=2*) • The fourth annual Discrimination Prevention Forum was held with key stakeholders from government and non-government organizations.	The strategic focus of the 2008–09 outreach activity engaged key stakeholders, including major groups and Parliamentarians. This work contributed to advancing the Commission's strategic outcome (as evidenced by the number of visits to the Commission's website and requests for publications. Details are in Section II of this report).

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1 As indicated in the 2008–09 Report on Plans and Priorities, the Planned Spending included an amount of $585,000 for the funding related to the repeal of section 67 of the *Canadian Human Rights Act*. This funding was not received in 2008–09, but was received in 2009–10 and also for future years.

2 The 2008–09 Total Authorities represent an increase of approximately $2.3 million or 11 percent over the 2008–09 Main Estimates of $20.6 million. This difference represents funding received through the Supplementary Estimates for 2007–08 operating budget carry-forward, pay list requirements not forecasted and the salary increases resulting from the signed collective bargaining agreements.

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Operational Priorities	Type	Status	Links to Strategic Outcome
Enhancing the Commission's impact on human rights issues domestically and internationally through strengthened outreach activities	Ongoing	• A joint policy position between the Canadian Human Rights Commission and the Canadian Race Relations Foundation was developed and published on the importance of law enforcement and security agencies collecting data to ensure that human rights are protected while safeguarding security. • The Commission played a leading role in preparing Canada's submission to the United Nations on the state of its human rights, referred to as Universal Periodic Review. It consulted with all provincial and territorial human rights commissions in Canada, as well as more than 60 non-governmental organizations (NGOs). • Commission representatives presented at key events and provided insight and perspective on current and emerging human rights issues. • The Commission participated in precedent-setting human rights cases that contributed to the advancement of human rights law, which increases protection for all Canadians and affirms the fundamental value of supporting diversity. • In its second year as Chair of the International Coordinating Committee of National Human Rights Institutions (ICC), the Commission led the development of a new legal and governance framework for the ICC. It also spearheaded the adoption of a resolution that formalizes the participation of national human rights institutions within the Organization of American States.	With the recent public debate on balancing freedom of expression and protecting Canadians from hate on the Internet, the Commission has learned that it needs to better inform the public about its work and processes.

Management Priorities	Type	Status	Links to Strategic Outcome
Enhancing the Commission's Management Accountability Framework (MAF) to sustain management excellence	Ongoing	**Successfully Met** – In 2008–09, the Commission developed and implemented an action plan to enhance its MAF. Highlights included: • demonstrated commitment to, and leadership in, achieving the highest standards of human rights practice in Commission programs and procedures by: 1) delivering leading-edge disability awareness training to approximately 75 percent of Commission employees, and 2) developing a Policy and a Procedural Guideline on the accommodation of mental illness in the workplace; • developed a Corporate Risk Profile and identified and implemented risk mitigation strategies; • surveyed clients receiving mediation services on their satisfaction with the process; • used program performance indicators throughout the Commission; • conducted preliminary work on developing client feedback mechanisms for the Commission's other dispute resolution services; and • advanced the Commission's Values and Ethics Program.	The Commission recognizes the role that a framework of solid management practices has in enabling the organization to achieve progress toward its strategic outcome. The Commission is committed to continuously improving its corporate management practices. This has resulted in the Commission's ability to have the right tools and processes in place to identify and mitigate risks, measure program impact and assess client satisfaction.

Risk Analysis

Organizational Context

The Commission is currently composed of two full-time members (Chief Commissioner and Deputy Chief Commissioner) and four part-time members (Commissioners) appointed by the Governor in Council. Full-time members are appointed for terms of up to seven years and part-time members for terms of up to three years. Commissioners meet regularly throughout the year to discuss the work of the Commission and to review and render decisions on human rights complaints.

The Chief Commissioner is responsible for the operations and direction of the Commission, and is supported by the Secretary General and 183 FTEs as of March 31, 2009. The Commission does not fund external organizations as it does not assign grants or contributions nor operate any other transfer programs.

In recent years, free from a previous chronic case backlog, the Commission has placed more emphasis on creating and implementing initiatives to support systemic changes, such as developing tools that employers can use to create a more equitable and respectful workplace.

Risk Management

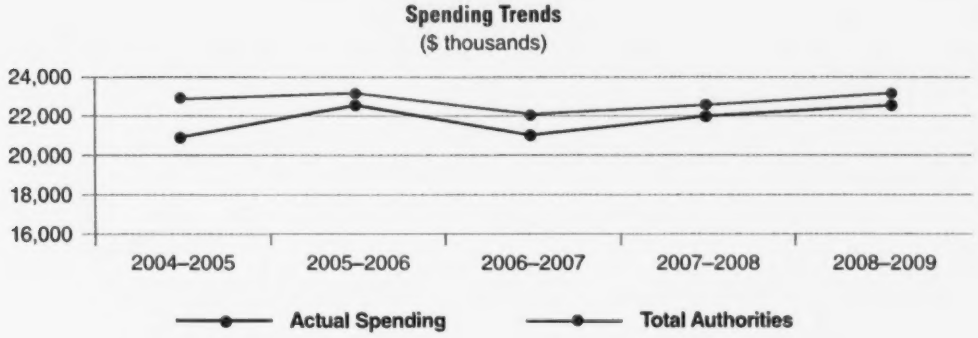
With current funding levels, the Commission can only partially carry out what is envisioned under the CHRA and the EEA. The Commission is re-examining its service delivery model by undertaking an internal strategic alignment exercise so that the organization can maximize the use of its limited resources.

In the 2008–09 Report on Plans and Priorities, the Commission identified key risks and challenges associated with moving forward on priorities within budget. Chief among these were the risks associated with the anticipated repeal of section 67 of the CHRA. However, the legislation repealing section 67, introduced in June 2008, included a three-year transition period during which complaints cannot be filed against First Nations governments. This means that the full impact of this amendment to the Act will not be felt until 2011, when the transition period ends. At that time, the Commission anticipates a significant increase in its complaint caseload.

The challenges related to having inadequate capacity to meet stakeholder expectations were mitigated by leveraging external resources and using discrimination prevention approaches such as "Train the Trainer." This initiative consists of certifying employees within federally regulated organizations to deliver human rights training. In 2008–09, the Commission built on its partnership of employers and with Human Resources and Skills Development Canada (HRSDC) to significantly increase the number of people qualified to deliver human rights training.

The risk related to the Commission's ability to retain its skilled and specialized staff in a competitive environment did not materialize. The Commission's turnover rate has been significantly reduced from 26 percent in 2006–07 to 13 percent in 2008–09.

Expenditure Profile



During the last five years, fluctuations in the Commission's actual spending were mainly due to temporary funding received for the following reasons:

- to participate in the hearings of three major pay equity complaints before the Canadian Human Rights Tribunal (this funding sunsetted in March 2006);
- to provide resources for the reduction of the complaints backlog, including those related to pay equity (this funding sunsetted in March 2006);
- to fund the development of a new case management system and employment equity audit tracking system (this funding sunsetted in March 2008);
- to support the Commission's Legal Services Division with regard to program integrity pressures (permanent funding); and
- to fund salary increases resulting from collective bargaining agreements and executive salary increases (permanent funding).

Voted and Statutory Items ($ thousands)

Vote or Statutory Item	Truncated Vote or Statutory Wording	2006–07 Actual Spending	2007–08 Actual Spending	2008–09 Main Estimates	2008–09 Actual Spending
10	Program Expenditures	18,788	19,706	18,387	19,963
(S)	Contributions to employee benefit plans	2,341	2,287	2,221	2,406
	Total	**21,129**	**21,993**	**20,608**	**22,369**

Analysis of Program Activities by Strategic Outcome

2.1 Strategic Outcome

Equality, respect for human rights and protection from discrimination by fostering understanding of, and compliance with, the Canadian Human Rights Act *and the* Employment Equity Act *by federally regulated employers and service providers, as well as the public whom they serve.*

Systemic change takes time. The Commission has made some strides in these areas by reallocating limited resources to programs, initiatives and emerging issues, but these stop-gap efforts fall short of fully exploring and fulfilling the objectives of the CHRA, the EEA and, more precisely, the mandate of the Commission.

The performance indicator that the Commission has selected for measuring progress toward its strategic outcome is the percentage of public service employees who have indicated on the Public Service Employee Survey (PSES) that they are not a victim of discrimination on the job. The 2008 PSES responses to this question, however, suggest that the number of employees who perceive having been a victim of discrimination has increased by 1 percent since 2005. We will continue to work with the public service to achieve the targeted reduction by providing employers with a way of assessing the state of their human rights culture and tracking their progress.

The following section highlights some of the work and outcomes achieved by the Commission's three program activities and discusses the progress made toward the strategic outcome. Links are provided to more detailed information and other work performed during the period under review and other items of potential interest to Canadians.

2.1.1 Human Rights Knowledge Development and Dissemination Program

Program Activity 1: Human Rights Knowledge Development and Dissemination Program					
2008–09 Financial Resources ($ thousands)			**2008–09 Human Resources** (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
4,026	4,041	4,375	29	34	5
Expected Result	**Performance Indicators**	**Targets**	**Performance Status**		**Performance Summary**
Awareness and understanding of the Acts are increased among federally regulated employers and service providers, as well as the public whom they serve.	Short term: The research and policy products must be accessed to increase awareness and understanding. The number of annual visits to the Commission's website and number of subscribers for information updates.	By March 2010, 525,000 visits to website and 1,470 subscribers.	**Exceeded**		In 2008–09 there were 2,622,771 visits to the website and 1,867 subscribers.
	Medium term: The percentage of human resources managers in federal government departments who are aware of the employer requirements under the Acts.[3]	By March 2010, survey to be completed and target to be determined.	**On Track**		

Program Activity Summary

The CHRA provides the Commission with the authority to influence public debate by conducting information programs and research; fostering common policies and practices across Canada's human rights system; reporting to Parliament; and using persuasion, publicity or any other means that it considers appropriate to discourage and to reduce discriminatory practices. The Commission conducts research studies, develops policy and engages key stakeholders to leverage resources and to enhance public awareness and understanding of the CHRA and the EEA.

3 The Commission will make adjustments to its Performance Measurement Framework and formally submit amendments to TBS in the next reporting period.

Following are highlights of the Human Rights Knowledge Development and Dissemination Program's progress toward its expected result in 2008–09:

Repealing Section 67 of the CHRA

In 2008–09, in anticipation of Parliament's repeal of section 67 of the CHRA, the Commission implemented targeted outreach activities to support awareness and understanding of human rights principles in a First Nations context. This work was done in the absence of new resources, with key government and NGO stakeholders (e.g., Justice Canada, Indian and Northern Affairs Canada, Assembly of First Nations, Congress of Aboriginal Peoples, Native Women's Association of Canada). Several meetings and conferences were held and the Commission participated in significant events such as the First Nations Annual General Assembly involving 1,100 First Nations leaders, and the 2009 Aboriginal Policy Research Conference with about 1,200 participants. At the conference, the Commission sponsored a workshop to seek input on research conducted related to balancing collective and individual rights.

Human Rights Report Card

Canada currently lacks a systematic way of tracking progress on human rights issues that are serious, long standing and systemic. To address this problem, the Commission, together with the Canadian Association of Statutory Human Rights Agencies, has been working to develop a National Human Rights Report Card. This tool will allow for the collection of data on prohibited grounds of discrimination as enumerated in the provincial, territorial and the federal human rights codes in relation to quality of life and socio-economic well-being. The data collected will give governments, human rights commissions and NGOs a portrait of the status of human rights in Canada, and the ability to develop and target programs and services to better respond to the needs of Canadians. In 2008–09, the Commission released a background paper and a proposal for a prototype. The prototype was then used as the basis for nation-wide consultations.

Section 13 of the CHRA

In 2008–09, the Commission began a review of section 13 of the CHRA, which prohibits the repeated electronic transmission of messages likely to expose an individual or a group of individuals to hatred or contempt based on a prohibited ground of discrimination. Section 13 has always been controversial, but particularly so since it was amended in 2001 to include hate on the Internet.

The first phase of the review was the development of an independent report by Professor Richard Moon, an expert on freedom of expression. Professor Moon was asked to conduct legal and policy research and analysis, and to make recommendations on the most appropriate mechanisms for addressing hate messages, particularly those on the Internet. The Commission released Professor Moon's report in November 2008.

The second phase of the review was to conduct an internal review of section 13, consult more broadly, and prepare a Special Report to Parliament on it, including recommendations on possible changes to the CHRA. Work on the Special Report was substantially completed in 2008–09 [the report was tabled in Parliament in June 2009.]

National Security and Human Rights Protection

As part of its multi-year National Security Research Initiative and in partnership with the Canadian Race Relations Foundation, the Commission contracted and released a report on the use of profiling in law enforcement and security operations. At the same time, the two organizations issued a joint policy position that called on law enforcement and security agencies to collect data as an important step in ensuring the protection of human rights while safeguarding the security of Canadians. Consultations on the joint policy position were conducted with relevant Canadian NGOs and national security agencies prior to its release.

Research shows that there is insufficient evidence to legitimize the practice of profiling. In the absence of evidence-based profiles, people are prone to fall back on personal stereotypes when making decisions. Since many decisions made by front-line law enforcement and security personnel are discretionary, documenting them offers advantages. It provides evidence to demonstrate whether or not profiling occurs and why. Several countries and jurisdictions, including the United States, collect human rights data as a means of preventing discrimination. The collection of such data is becoming the norm. Canadian police and security agencies are encouraged to integrate relevant human rights data into their existing collection systems.

Collecting data and reporting is also a show of openness and transparency. Agencies that are mandated to monitor the activities of policing and security agencies need to play a role in reporting on human rights issues and in encouraging appropriate corrective action, where necessary. With proper accountability, the security of Canadians can be safeguarded while protecting human rights.

Benefits for Canadians

Increasing public awareness and understanding of human rights principles is an expected result of the following activities undertaken by the Commission in 2008–09:

- engaged in research to contribute to the public debate on balancing freedom of expression and protecting Canadians from hate on the Internet to raise awareness on what constitutes hate under section 13 of the CHRA;
- sought extensive nation-wide input from approximately 250 organizations on the systematic collection of human rights data, thereby raising awareness of human rights and the need for a tool that would allow for the collection of such data;
- conducted consultations and issued a joint policy position calling on law enforcement and security agencies to collect human rights data as an important step in ensuring that human rights are protected while safeguarding the security of Canadians;
- published a research report that analyzed social condition as a ground of discrimination in jurisdictions across Canada and generated interest among the public and Parliamentarians;

- held activities to celebrate the 60th anniversary of the United Nations Universal Declaration of Human Rights (UDHR) and to help Canadians see the link between the UDHR and the Commission's work; and
- prepared Canada's submission to the United Nations on the state of its human rights, (referred to as Universal Periodic Review) by conducting consultations with all provincial and territorial human rights commissions and relevant NGOs.

Performance Analysis

The Commission continues to witness an increase in the public's demand for information related to human rights. In 2008–09 the Commission distributed 83,729 publications and its website received 2,622,771 visits. More than 1,800 subscribers received information on the Commission's programs and services through its online subscription service. The Commission's "Duty to Accommodate" fact sheet was most in demand in 2008–09, with about 3,000 requests for it.

With the resources it was allocated in 2008–09, the Commission was unable to develop a communication strategy to market its important research. As noted in the 2008–09 Report on Plans and Priorities, there is a risk that research and policies will not be sought and used by targeted groups. A marketing strategy would mitigate this risk by identifying ways to best promote the Commission's human rights research to increase awareness and understanding of the CHRA and EEA.

During 2008–09 there were 9,287 visits to the Commission's National Aboriginal Initiative section on the website. Although it is difficult to quantify the effect of the Commission's activities on awareness and understanding of human rights principles among First Nations people, there are encouraging signs. Following a plenary meeting with national Aboriginal organizations, in which a panel discussion was held, the larger Aboriginal groups included references to human rights on their websites. This public statement promoting human rights suggests that the Commission has strengthened relationships with these organizations. The Commission recognizes that the support of these organizations is crucial to raising awareness and understanding about human rights among First Nations communities.

Lessons Learned

The Human Rights Knowledge Development and Dissemination Program has reflected on the benefits of jointly carrying out research with other organizations and will consider undertaking more joint research in the future. The Program also recognizes that its limited resources must be even more strategically focused on activities with the broadest possible reach and impact in Canadian society. The Program will increase its emphasis on developing policy tools for federal and federally regulated organizations and ensuring that these tools are accessed and understood.

The debate on the balance between freedom of expression and protecting Canadians from hate on the Internet highlighted the need to better inform the public and stakeholders about the role and mandate of the Commission and the importance of protecting and promoting human rights principles. The Commission's Stakeholder Engagement Framework will enhance the Commission's impact on human rights issues through outreach activities. Canadians will benefit from a better understanding of human rights and of the work of the Commission.

2.1.2 Discrimination Prevention Program

Program Activity 2: Discrimination Prevention Program					
2008–09 Financial Resources ($ thousands)			**2008–09 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
6,424	6,918	6,516	72	49	23
Expected Result	**Performance Indicators**	**Targets**	**Performance Status**		**Performance Summary**
Federally regulated employers and service providers are committed to preventing discrimination and to resolving disputes internally.	Medium term: Degree of commitment by Memorandum of Understanding (MOU) signatory organizations to preventing discrimination and to resolving disputes internally.	By March 2010, 60 percent of MOU signatories surveyed once every two years demonstrate commitment.	**Successfully met all**		More than 120 consultations took place between Commission employees and MOU signatories on preventing formal human rights complaints or exploring ways to resolve human rights concerns raised internally by employees and managers in their workplaces.
The employment equity (EE) audit model is contributing to audited organizations having met their EE plan goals.	Long term: Percentage of audited organizations that have met the goals of their EE plan. (These goals, related to the hiring and promotion of one or more of the four EE target groups, are established in an organizationally specific EE plan following a Commission audit.)[4]	By March 2011, 50 percent of audited organizations will have met their EE plan goals within six years of the first EE audit.	**Somewhat Met**		Audited organizations in the private sector met 37 percent of their EE goals; in the public sector, 53 percent.

4 As noted earlier in this report, the Commission will make adjustments to its Performance Measurement Framework and formally submit amendments to TBS in the next reporting period. The Commission will propose changes to the performance indicator and target for the expected result pertaining to achieving employment equity.

Program Activity Summary

The CHRA provides the Commission with the authority to inform and influence public debate by conducting information programs and research; fostering common policies and practices across Canada's human rights system; reporting to Parliament; and using persuasion, publicity or any other means that it considers appropriate to discourage and reduce discriminatory practices. The Discrimination Prevention Program works closely with federally regulated employers and service providers so they can better understand their obligations under the CHRA and EEA and their responsibilities for the application of human rights principles. The Program also works collaboratively with central agencies in furthering human rights across the federal system.

In 2008–09, the Discrimination Prevention Program focused on:

- strengthening existing partnerships with employers;
- developing new partnerships with key stakeholders;
- establishing a discrimination prevention engagement strategy with various functional communities and networks (i.e., managers' networks, human resources committees, labour relations communities); and
- exploring new ways to provide services (e.g., through videoconferencing sessions of the Discrimination Prevention Forum, using Web 2.0 technology and implementing the Train-the-Trainer initiative).

Meetings were held with the Employer Advisory Council (a forum of organizations that have signed a Memorandum of Understanding, or MOU, with the Commission) and other networks. Major events, such as the fourth annual Discrimination Prevention Forum and two regional conferences, were held with stakeholder organizations and attracted more than 300 participants. These included key public and private sector organizations such as Purolator, Bell Canada, the RCMP, Canada Post, Canadian Forces, the Immigration and Refugee Board, and Transport Canada.

The Commission completed more than 80 initiatives that sought to instil a human rights culture in workplaces and service delivery centres. Approximately half these initiatives involved organizations that currently have an MOU with the Commission. Initiatives included the review of policies on anti-harassment and the duty to accommodate, the review of internal process mechanisms, and the sharing of best practices through training and the Commission's website. In addition to these initiatives, more than 120 consultations took place between Commission employees and MOU signatories on preventing formal human rights complaints or exploring ways to resolve human rights concerns raised internally by employees and managers in their workplaces.

Under the EEA, the Commission conducts workplace audits to verify if employers are meeting their employment equity obligations. As part of this mandate, the Commission works with employers to enable them to move toward equality in the workplace for the four designated groups – women, Aboriginal peoples, persons with disabilities and members of visible minorities. The Commission also shares with employers proven practices to increase the representation of designated groups, and it provides advice that contributes to a better human rights culture in many workplaces. In 2008–09, the Commission exceeded its target of 40 audit reports by conducting 44 audits.

The Commission tracks each audited organization's progress by monitoring the attainment of short-term goals established pursuant to the employment equity plans. Under the EEA, short-term goals are no longer than three years, and all monitoring by the Commission is based on this time period. The table below shows the cumulative figures based on monitoring of all employers found in compliance to date. In the private sector, audited organizations met 37 percent of their EE goals; and in the public sector 53 percent of goals were attained. These results clearly show that most employers need to take additional action toward equality in the workplace. To facilitate this, the Commission will continue to share with employers proven practices gathered as a result of its audit activities. Equally important, the Commission will continue to streamline its audit and approval process to assist employers in identifying issues.

Table 1: Employment Equity Plan Goals

PRIVATE SECTOR EMPLOYERS

Monitoring years	Women	Aboriginal Peoples	Persons with Disabilities	Visible Minorities	Total	
	% Met	% Met	% Met	% Met	Total Goals	% Goals Met
1999–2001	43%	60%	29%	40%	24	42%
2000–2002	44%	43%	37%	43%	254	42%
2001–2003	45%	47%	23%	32%	350	35%
2002–2004	35%	45%	26%	43%	258	36%
2003–2005	39%	62%	38%	43%	379	43%
2004–2006	46%	38%	19%	33%	274	32%
2005–2007	33%	36%	29%	38%	313	34%
Total 1999–2007	**40%**	**46%**	**29%**	**38%**	**1,852**	**37%**

PUBLIC SECTOR EMPLOYERS

Monitoring years	Women	Aboriginal Peoples	Persons with Disabilities	Visible Minorities	Total	
	% Met	% Met	% Met	% Met	Total Goals	% Goals Met
2000–2002	80%	50%	50%	50%	17	59%
2001–2003	72%	50%	60%	32%	69	49%
2002–2004	61%	42%	77%	53%	88	60%
2003–2005	73%	64%	68%	42%	78	60%
2004–2006	56%	25%	33%	36%	61	39%
2005–2007*	n.a.	0%	n.a.	50%	3	33%
2006–2008**	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Total 2000–2008	**67%**	**46%**	**63%**	**42%**	**316**	**53%**

* The only employer monitored during the 2005–2007 period had no representation gaps for women and persons with disabilities.

** None of the employers being monitored had a goal-setting period corresponding to 2006–2008.

During 2008–09 the Commission implemented an employment equity model that will assist organizations in meeting their employment equity plan goals. The Discrimination Prevention Program leveraged support for the implementation of the EEA by participating in working groups among key federal stakeholders (those who have a legislated role in implementing employment equity) to find more effective ways to help employers meet their employment equity goals and by collaborating with HRSDC to deliver workshops on the employment equity audit process to several employers. Similar workshops were also offered to union representatives.

An evaluation (including a client satisfaction survey) of the employment equity audit process was conducted and an action plan is being developed.

Benefits for Canadians

In 2008–09 the Discrimination Prevention Program made progress toward its expected results as demonstrated by:

- completion of 44 employment equity audits, which included ensuring that audited organizations have detailed plans for meeting their employment equity goals;
- the progress demonstrated by several MOU signatories in preventing discrimination and resolving disputes internally; and
- pre-audit workshops provided to employers informing them of their employment equity responsibilities.

Performance Analysis

During 2008–09 the Commission engaged key stakeholders from all segments of Canadian industries, including unions, in the design of an Integrated Human Rights Maturity Model that will be used by organizations to achieve higher levels of maturity in human rights. This model will provide a system of defined activities required to reach each level of maturity. The data collected by its measurement tool will provide the Commission with an accurate snapshot of the maturity of human rights culture within Canada's federally regulated organizations and enable the Discrimination Prevention Program to measure its progress toward expected results and to assess the contribution it is making toward the Commission's strategic outcome.

By working with employers the Commission helps create environments where discrimination does not occur and, when it does, to increase opportunities for employers to confront and quickly deal with it internally. During 2008–09 the Commission implemented its Train-the-Trainer (T4T) initiative, which was accessed by 90 percent of MOU signatories, as well as by one of the Commission's major key federal partners, HRSDC. More than 30 new trainers have been qualified to deliver training on Commission tools. In addition, some employers have committed to delivering up to three training sessions for every T4T-qualified resource in their organization, promising a considerable return on our investments.

During 2008–09 the Commission held its fourth annual Discrimination Prevention Forum, which brought together 223 federally regulated employers and members of civil society from across the country. This year's panel discussions and workshops explored the accommodation of religion, family/marital status and physical disabilities. Proven practices were shared in mental health, return-to-work and religious accommodation. By sharing proven practices with a wide audience, the Commission expanded its outreach and saved time and resources.

In 2008–09 the Commission continued to encourage employers to fulfil their employment equity responsibilities even without an audit. To that end, it launched a series of workshops explaining employers' obligations and the audit process.

The Commission's aim is to contribute to the increased representation of all four designated groups in federally regulated workplaces by conducting employment equity audits, monitoring the attainment of goals, providing pre-audit support to employers and improving its audit selection strategy.

Lessons Learned

The Discrimination Prevention Program performs a cost-benefit analysis following key events and initiatives and takes the necessary corrective actions.

Three years ago, the Commission introduced a streamlined employment equity audit process that sought to improve the effectiveness and efficiency of the program. As planned for this fiscal year, the Commission completed an evaluation of its audit process. The evaluation, conducted by an independent firm, included a client satisfaction survey of employers who had participated in an audit. The evaluation confirmed that audits now focus more on results. Recommendations included:

- a review of the audit selection strategy;
- an increase in collaboration between government stakeholders who are responsible for the administration of the EEA (efforts are being made via interdepartmental initiatives to find ways to better assist employers);
- further streamlining of the audit process; and
- the provision of more employer tools and resources to fulfil their obligations (the findings from the 44 audits conducted in 2008–09 contribute to the knowledge that can be shared with employers regarding hiring and promotion best practices to ensure equality in the workplace for the designated groups.)

The Commission will take additional action in the near future to respond to these recommendations.

One lesson learned about introducing Web 2.0 technology to provide our services and foster greater networking between our partners is that a partnership must be already well established before users are likely to embrace the technology. It is also a valuable tool when a community-of-practice works on a specific project or document. The interest seems to fade when technology is created as a vehicle for information sharing only.

2.1.3 Human Rights Dispute Resolution Program

Program Activity 3: Dispute Resolution Program					
2008–09 Financial Resources ($ thousands)			**2008–09 Human Resources** (FTEs)		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
10,743	11,928	11,478	89	100	11
Expected Result	**Performance Indicators**	**Targets**	**Performance Status**		**Performance Summary**
Commission involvement in human rights disputes has facilitated the resolution of disputes in a non-adversarial manner at the earliest stage possible, ensured that public interest is addressed and increased understanding of the CHRA.	The percentage of disputes settled[5] at the Commission out of the total of those dealt with. (Historically, settlement rates have been calculated for accepted complaints only; we will now include early resolution settlements, even though these occur before a dispute becomes an officially accepted complaint.)	By 2011, 40 percent of disputes dealt with by the Commission will be settled.	**Mostly Met (on track to meet 2011 target)**		In 2008–09 38 percent of disputes dealt with by the Commission were settled.
Parties to disputes are satisfied with the dispute resolution process.	The percentage of satisfaction rates, for example, regarding the extent to which service was fair, user-friendly, and/or flexible.	By March 2010, target to be determined.	**Somewhat Met (on track to meet 2010 target)**		In 2008–09 the Commission started to survey clients receiving mediation services on their satisfaction with the process. Survey results will be evaluated once sufficient data are available. The Commission has begun to develop client feedback mechanisms to evaluate its other dispute resolution services.

5 As noted earlier in this report, the Commission will make adjustments to its Performance Measurement Framework and formally submit amendments to TBS in the next reporting period. Changes to this performance indicator and target will reflect more accurate language. The term "settled" will be replaced with the term "resolved".

Program Activity Summary

Under the CHRA, the Commission deals with allegations of discrimination by federally regulated employers and service providers based on the 11 grounds enumerated in the Act. Allegations of discrimination are screened to ensure they fall within the Commission's jurisdiction, and inquirers may be referred to other redress mechanisms, such as a grievance process. If the dispute falls within the Commission's jurisdiction, the parties are then encouraged and supported to try to settle the matter, either before a complaint is filed or immediately afterward. If the matter cannot be resolved, the complaint will be investigated and then submitted to the Commissioners, for one of the following possible decisions: dismiss, refer to conciliation, or refer to the Canadian Human Rights Tribunal for further inquiry. Alternative dispute resolution, including mediation and conciliation, is available at all stages of the process. The Dispute Resolution Program is also supported by legal analysis and advisory services throughout the complaint process.

In 2008–09 the Commission continued to refine its procedures. For example, it developed procedures to ensure that cases are referred to other redress processes in a timely and efficient manner. The Commission has also updated its templates to provide simple and clear instructions so that the parties are well aware of the criteria considered by the Commission and can provide information accordingly.

The Commission continued to encourage the use of alternative human rights dispute resolution methods to resolve complaints. As part of this effort, the Commission distributed a client survey questionnaire to the parties at all preventive mediation, mediation and conciliation sessions. Additional data are required to measure client satisfaction.

The Commission also initiated a triage process to ensure that the processes selected for each individual complaint are the most appropriate and timely.

In 2008–09 the Commission sought to increase the efficiency of investigations by focusing on the preliminary assessment of complaints, which emphasizes the early clarification and narrowing of issues with the parties. The Preliminary Assessment Framework was revised and tools were developed. Cases that were dealt with using this process were completed more quickly.

Benefits for Canadians

In 2008–09 the Dispute Resolution Program benefited Canadians by:

- designing a new case management system to provide better service to all parties to human rights complaints. The new system will permit Commission staff to better input, review, retrieve and manage important complaint file information. One of the many benefits of the new case management system is the enhanced ability for Commission staff to record and meet expressed communication needs. This will allow us to better meet the needs of individuals who are visually impaired or those who are deaf, deafened or hard of hearing, and who have specific communication requirements;

- resolving a higher proportion of human rights disputes through non-adversarial methods of dispute resolution;
- having a fair, expeditious and accessible human rights process that is understood by parties and that may contribute to their satisfaction with the dispute resolution process, regardless of the outcome; and
- participating in precedent-setting human rights cases that contribute to the advancement of human rights law, thereby increasing protection for all Canadians and promoting diversity.

Performance Analysis

During the reporting period, the Dispute Resolution Program made progress toward its expected results, resolving 38 percent of disputes.

Before a formal complaint is filed

In recent years, the Commission has introduced two initiatives with a view to resolving disputes more quickly and informally while being less resource intensive. *Preventive mediation* is offered to parties before a complaint is filed; *early resolution* involves facilitation and negotiation by telephone, also before a complaint is filed. The results of these two initiatives for the period under review are as follows: 39 cases were dealt with through preventive mediation, of which 18 were resolved; 306 cases were dealt with through early resolution of which 142 were resolved. The settlement rate of cases dealt with through preventive mediation has increased 2 percent since 2007–08 and cases resolved through early resolution have increased by 3 percent compared with 2007–08 final quarter data. These gains show the incremental progress that the Dispute Resolution Program is making toward its expected results.

After a formal complaint is filed

In 2008–09 the Commission had a caseload of 1,242 formal complaints; about half were carried over from the previous year, while the other half were new or reactivated.

Of the total caseload, 55 percent of the complaints were closed. Taking into account the carryover of cases, a balanced caseload of complaints was achieved. Approximately 32 percent of closed complaints were "not dealt with." This means that the Commission did not proceed with the complaint either because another redress mechanism was available, the time limitation as set out in the Act was exceeded, or the complaint was outside the Commission's jurisdiction or considered trivial, frivolous or vexatious. The majority (56 percent) of cases "not dealt with" were referred to other available redress mechanisms.

During the period under review, in addition to those cases resolved before a complaint was filed, 75 complaints were resolved through mediation, a significant increase of 10 percent over 2007–08.

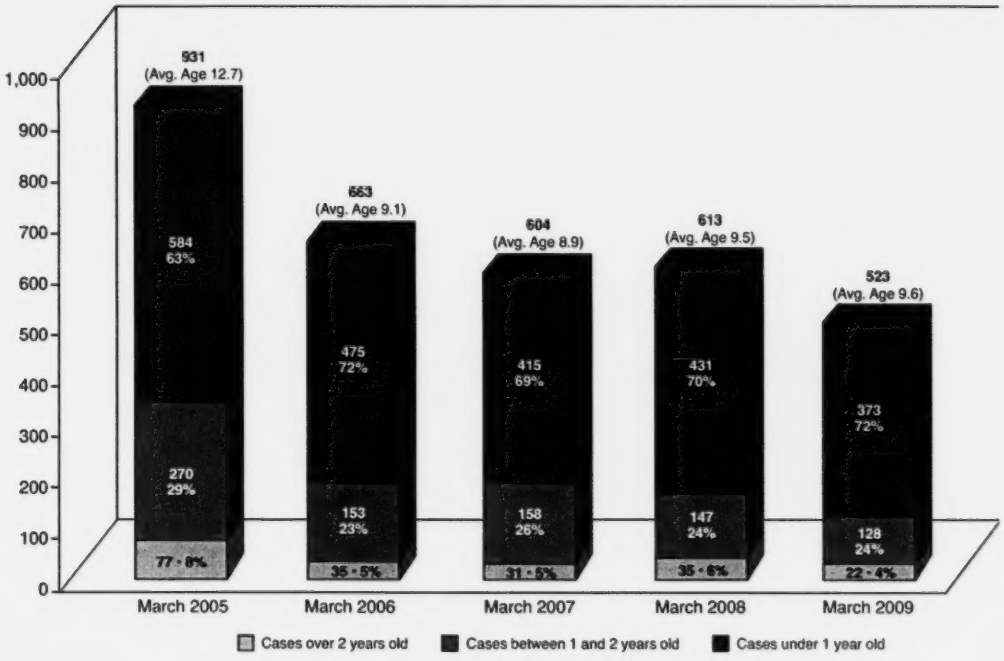
Once the complaint goes to the Commission for a decision, it can be referred to conciliation, which differs from mediation in that the conciliator can make a recommendation on the merits of the case. Twenty-eight complaints were resolved through conciliation, a significant increase of 9 percent from 2007–08.

Another 36 cases were resolved through other processes, including investigation and preliminary assessment.

In summary, 160 cases were resolved before a complaint was filed and 139 cases were resolved after a complaint was filed, a total of 299 cases or 38 percent of the disputes dealt with by the Commission.

As shown in the following table, 72 percent of the 523 active cases were less than one year old and only 4 percent were more than two years old on March 31, 2009. The Commission continues to carefully monitor trends.

Table 2: Total Caseload of Accepted Complaints by Age Category
(Average Age in Months)



During the reporting period, the Commission continued to gather information from participants in preventive mediation, mediation and conciliation with a view to assessing client satisfaction. Litigation successes during 2008–09 constituted important steps in obtaining results, since these successes changed or clarified human rights law – progress that benefits all Canadians (for high-impact cases see www.chrc-ccdp.ca/publications/ar_2008_ra/page7-en.asp).

The Dispute Resolution Program was also able to begin preliminary work, using existing resources, to prepare for the anticipated repeal of section 67 of the CHRA by developing internal legal expertise and by building the capacity of front-line staff. This was accomplished by delivering specialized training and developing templates on issues related to complaints from Aboriginal people. Numerous presentations were also made to stakeholders including government departments as well as Aboriginal organizations.

Lessons Learned

The Commission's experience in dealing with human rights complaints has demonstrated that different tools are available and appropriate to deal with complaints, depending on the facts and circumstances of each case. Accordingly, the Commission has put in place an early triage process. This process ensures that each file is dealt with using the most appropriate dispute resolution process (e.g., early resolution, preventive mediation, preliminary matters, mediation, preliminary assessment, investigation, conciliation) ensuring better service to Canadians.

The Dispute Resolution Program has identified creative approaches to maximize the effectiveness of its processes and to provide the greatest human rights impact to Canadians. One such innovation was achieved when the Litigation and Resolution Services Divisions pooled their resources for the purpose of pre-Tribunal mediations. As a result of this change, the participation of Commission counsel in pre-Tribunal mediation is now limited to high-impact and precedent-setting cases where the Commission participates as a full party. For all other mediations, an ADR practitioner with expertise in mediation now represents the Commission. This new process makes more effective use of the specialization of Commission experts (litigation for litigators and mediation for ADR practitioners) and has served the process and Canadians well.

SUPPLEMENTARY INFORMATION

3.1 Financial Highlights

The financial highlights presented within this DPR are intended to serve as a general overview of CHRC's financial position and operations. The Commission's financial statements can be found on CHRC's website at: http://www.chrc-ccdp.ca/publications/dpr_rsr/fs_0809_ef-en.asp

Condensed Statement of Financial Position

At End of Year (March 31, 2009)

($ thousands)	% change	2009	2008
Assets			
Financial Assets	-20%	**125**	156
Non-Financial Assets	8%	**1,060**	983
Total Assets	4%	**1,185**	1,139
Liabilities	21%	**6,931**	5,741
Equity of Canada	25%	**(5,746)**	(4,602)
Total Liabilities and Equity of Canada	4%	**1,185**	1,139

Total assets were $1.2 million at the end of 2008–09, an increase $0.1 million (4 percent) over the previous year's total assets of $1.1 million. Tangible capital assets (i.e. Informatics software & hardware) comprised of 88 percent of total assets at $1.0 million.

Total liabilities were $6.9 million at the end of 2008–09, an increase of $1.2 million (21 percent) over the previous year's total liabilities of $5.7 million. These liabilities represent employee severance benefits ($3.7 millions), accounts payable ($2.4 million) and vacation pay & compensatory benefits ($0.8 million).

Condensed Statement of Operations

for the year ended March 31, 2009

($ thousands)	% change	2009	2008
Operating Expenses			
Total Operating Expenses	6%	**26,343**	24,801
Revenues			
Total Operating Expenses	-74%	**16**	61
Net Cost of Operations	**6%**	**26,327**	24,740

Total expenses for CHRC were $26.3 million in 2008–09. The majority of funds, $13.4 million or 51 percent, were spent in Human Rights Dispute Resolution Program; while the balance of funds were spent in Discrimination Prevention Program ($7.8 million or 30 percent) and in Human Rights Knowledge Development Program ($5.1 million or 19 percent).

Financial Statements

The Commission's Financial Statements for the reporting period can be viewed on the Commission's web site at http://www.chrc-ccdp.ca/publications/dpr_rsr/fs_0809_ef-en.asp

3.2 List of Supplementary Information Tables

Table 1: Green Procurement
Table 2: Evaluations (current reporting period)

These tables can be found on the Treasury Board of Canada Secretariat's website at: www.tbs-sct.gc.ca/estsd-bddc/index-eng.asp